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Letter dated 12 December 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the sixth report of the International Independent Investigation Commission, which was prepared pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005) and 1686 (2006).

The report describes progress made by the Commission since its previous report of 25 September 2006 (S/2006/760) in investigating the assassination of former Lebanese Prime Minister Rafik Hariri and 22 other victims, and in providing technical assistance to the Lebanese authorities in their investigation of certain other attacks perpetrated in Lebanon since 1 October 2004.

During this period, the Commission returned from Cyprus, where it had been temporarily relocated from 22 July to 13 October 2006, to its main operating base in Lebanon and resumed full operations. The report provides information on the Commission's continued priority work in the forensic investigation of the Hariri case, focusing on the identification of the perpetrators as well as the advancement of its technical assistance on the 14 cases, including the establishment of linkages. Furthermore, the Commission, as mandated by the Security Council, started to provide technical assistance to the Lebanese authorities in their investigation of the tragic assassination on 21 November 2006 of Pierre Gemayel, the Minister of Industry of Lebanon.

I wish to thank the staff of the Commission for their extraordinary dedication in carrying forward their work in difficult circumstances, in particular in view of the volatile security situation in Lebanon during the reporting period. I also wish to thank Serge Brammertz for his continued leadership in advancing the investigation of the attack and the Government of Lebanon for its continued support for and cooperation with the Commission.

I should be grateful if you would bring this matter to the attention of the members of the Security Council. Meanwhile, I am transmitting the report to the Government of Lebanon.

(*Signed*) Kofi A. **Annan**

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Annex

Sixth report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005)

Serge Brammertz
Commissioner

Beirut
12 December 2006

Summary

In its resolution 1644 (2005) of 15 December 2005, the Security Council requested the International Independent Investigation Commission to report to it on its progress, including on the cooperation received from the Syrian authorities, every three months.

The present report summarizes the progress made by the Commission in its investigative activities between 25 September and 10 December 2006. During this period, the Commission returned to Lebanon from Cyprus, where it had temporarily relocated from 22 July to 13 October 2006.

Since the Commission's return to Lebanon, it has operated in a volatile political environment, reflected in the assassination on 21 November 2006 of the Minister of Industry, Pierre Gemayel, and the national and international attention surrounding the establishment of a special tribunal for Lebanon.

The Commission's investigative direction in the Hariri case has remained focused on three areas: developing crime scene evidence from investigation and forensic analysis, investigating potential perpetrators and collecting evidence relating to the linkage and contextual aspects of the case. The Commission, in close cooperation with the Lebanese judiciary, has also continued to take a proactive role in the 14 other cases.

The assassination of Pierre Gemayel led to the request by the Security Council in a letter dated 22 November 2006 for the Commission to extend technical assistance in the Gemayel case to the Lebanese authorities. This constituted an expansion of the mandate contained in Council resolution 1644 (2005) and extended in its resolution 1686 (2006) in relation to the investigation of other terrorist attacks perpetrated in Lebanon since 1 October 2004. The Commission has responded by providing technical assistance, including forensic support, witness interviews and evidence collection and analysis, as requested.

The Commission's close interaction with the Lebanese authorities on all matters relevant to its mandate has been ongoing. The Commission continues to receive support from the Syrian Arab Republic in providing information and facilitating interviews with individuals located on Syrian territory. In addition, the Commission notes the assistance received from other Member States in response to its requests and highlights the need for such assistance to be provided in a timely manner as this is critical to the progress of the investigation.

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I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1644 (2005) of 15 December 2005, in which the Council requested the United Nations International Independent Investigation Commission to report every three months to the Council on the progress of its inquiry and on cooperation matters, including the cooperation received from the Syrian authorities. This report, the fourth submitted in 2006, provides an overview of issues described in the previous reports and notes substantial progress in the work of the Commission, as well as new elements that have come to light since its last report of 25 September 2006 (S/2006/760).

2. During the reporting period, the Commission returned from Cyprus, where it had been temporarily relocated for a two-and-a-half-month period for security reasons, to continue its operations in Lebanon. As work continued in the temporary environment, the dislocation had minimal impact upon the momentum of the Commission's investigation.

3. The broader political climate in Lebanon has been volatile. Two major events have had an impact on the Commission's investigative activities and security requirements, namely the assassination of the Minister for Industry, Pierre Gemayel, in Beirut on 21 November and the national and international discourse surrounding the establishment of a special tribunal for Lebanon.

4. The Commission's investigative direction in the Hariri case has remained focused on three areas: developing crime scene evidence from investigation and forensic analysis, investigating potential perpetrators and collecting evidence relating to the linkage and contextual aspects of the case. Over the past three months, the Commission has continued with all the investigative projects identified in its previous reports, placing emphasis on the motives to assassinate Rafik Hariri, issues associated with Ahmed Abu Adass, linkage among the 14 other cases and on forensic analysis. In support of these objectives, the Commission has conducted 60 interviews during the reporting period.

5. With regard to the 14 cases in which the Commission is providing technical assistance to the Lebanese authorities in line with the revised mandate given by the Security Council in its resolution 1686 (2006), the Commission has focused on the six targeted attacks during this reporting period.

6. Following the request from the Security Council on 22 November 2006 (see S/2006/915), the Commission immediately committed managerial and operational staff from its existing resources to provide technical assistance to the Lebanese authorities concerning the assassination of Minister Pierre Gemayel.

7. The Commission continues to maintain its close working relationship with the Lebanese authorities on all matters relevant to its mandate. The assistance of other States is also necessary to the success of its work and, in general, the Commission has received assistance from a number of States in a wide range of investigative and analytical areas. However, it has also experienced delays and a lack of response from some States. The Commission continues to receive assistance from the Syrian Arab Republic in providing information and facilitating interviews with individuals located on Syrian territory. This cooperation remains an important component of the Commission's ongoing work.

8. The Commission is evaluating its work in the light of the creation of a special tribunal for Lebanon and is envisaging future planning activities to facilitate the transition to such a tribunal. The Commission is organizing its investigative outputs, evidence, data and files in such a manner as to ensure continuity and enable the tribunal to draw upon these resources and begin its work in as smooth a manner as possible, if and when it comes into being.

9. Renewed efforts during the reporting period to increase the capacity and resources of the Commission to enable it to meet the significant investigative, analytical, security, translation/interpretation and other challenges associated with its expanding mandate have so far yielded positive results. For example, the Commission has made considerable efforts to recruit new staff to fill international positions, resulting in a decrease in the vacancy rate from 29 per cent in August to 19 per cent in December.

10. The Commission has reached a critical stage in its investigations and, with this in mind, the Commission and the Prosecutor General of Lebanon believe that placing information concerning witnesses and suspects in the public domain would be contrary to the principles of fairness and justice and would defeat the purpose of, and be prejudicial to, any case presented before a tribunal. The Commission believes that this position is a standard investigative approach that also creates beneficial conditions under which witnesses, especially those considered sensitive owing to their placement and/or knowledge, can step forward to engage with the Commission in confidential circumstances.

II. Progress in the investigations

11. During this reporting period, the Commission's investigative direction in the case of the murder of Rafik Hariri and 22 others has continued to be focused on three main objectives: firstly, the development of crime scene evidence from investigation and forensic analysis; secondly, the investigation of potential perpetrators; and, thirdly, the collection of evidence relating to the linkage and contextual aspects of the case. In support of these objectives, and among other operational work it has undertaken, the Commission has conducted 46 interviews during the reporting period.

12. As regards the 14 cases in which technical assistance is being provided to the Lebanese authorities, the Commission has conducted 14 additional interviews relating to the six targeted attacks, focusing on two main objectives: to investigate each case individually and concurrently to establish links between each and any of the cases and the Hariri case. The remaining eight cases are gradually being integrated into the investigative activity, with the focus on modus operandi and perpetrator linkages between the cases.

13. During the reporting period, the Commission continued with the 20 projects that form the framework of its investigations. In particular, the Commission has focused upon and expanded its work on the motives for the Hariri assassination, the linkage between 6 of the 14 cases, the investigation relating to Ahmed Abu Adass and associated individuals, and forensic analysis to assist in identifying the perpetrators.

14. Such prioritization allows a logical development of the cases and enables management of the increasing workload. In this reporting period, for example, electronic data holdings doubled, thereby creating additional management and analytical tasks that accompany such a vast amount of newly acquired information.

15. Similarly, the workload for the 60 interviews undertaken for both the Hariri case and the other cases during this reporting period has been considerable. Each interview has taken on average one and a half days to complete, with sometimes over 50 pages of text per interview. The preparation time for the interviews is considerable and the time needed to analyse the content and integrate the information into the broader case after its collection is also significant. In this context, the Commission has continued to benefit from having multidisciplinary teams working on all its investigative projects. This approach has ensured flexibility to respond to the priorities without delay or reduction in quality of output.

16. Following the request from the Security Council of 22 November 2006, the Commission also began the provision of technical assistance to the Lebanese authorities concerning the assassination of Pierre Gemayel on 21 November 2006. Work undertaken to date includes extensive forensic assistance and the conduct of 13 identification interviews.

A. Hariri investigation

1. Crime scene and associated topics

Forensic exploitation of the crime scene

17. Following the completion of the collection of forensic evidence at the crime scene in June 2006, the Commission has received the final report from the forensic experts who participated in that project. The detailed report provides many findings that are consistent with previous forensic work, confirms the main hypotheses of the modus operandi of the perpetrators and provides new information previously unknown to the Commission.

18. Among the findings from the report, it was confirmed that there was only one blast, that the Mitsubishi van was the carrier of the improvised explosive device (IED) and that the blast originated from inside the loading platform of the vehicle.

19. Investigations inside the crater showed that a rectangular depression of a further 40 centimetres in depth was present in a specific area. The rocky soil in that area was micronized and blackened, consistent with having been subjected to high pressure and high temperatures. This observation indicated that the van itself was finally situated slightly obliquely to the other parked vehicles. The report also provides new information relating to other aspects of the explosives and the van, which the Commission will continue to investigate over the next reporting period.

Findings to date regarding the explosives

20. In March 2005, many samples that originated from the crater wall indicated the presence of the explosive TNT. In November 2005, the swabs from the rear axle, wheel rim and crankshaft of the Mitsubishi Canter van showed significant amounts of the explosive RDX. In the last forensic analysis, in addition to RDX on the rear

wheel flange, the explosives PETN, TNT and DNT were detected in lower concentrations, along with an indication of TNP (picric acid).

21. An estimate of the concentration ratios between the explosives has now been made, where the ratio between both RDX and PETN, and RDX and TNT/DNT have been calculated at approximately 10:1. The presence of such large amounts of RDX and the consideration of these ratios strongly supports the hypothesis that an RDX-based high explosive was used in the attack. RDX is a powerful high explosive that may be used either by itself or in combination with other materials, making it particularly useful in, for example, military applications.

22. According to the analysis conducted on behalf of the Commission to date, two hypotheses concerning the explosives have emerged: firstly, that the main charge was composed of RDX and TNT, with the detonating cord (PETN) linking together the explosive charges; secondly, the explosive charge was composed of TNT and Semtex (RDX and PETN), an explosive that has been widely used previously in terrorist bombings within and outside the region.

Findings to date regarding the initiating system

23. The Commission's view concerning the initiating system is that triggering an explosion in order to deliver an impact upon a moving vehicle requires a high degree of precision in the timing. This precludes the possibility that a time-delay mechanism was used. Time-delay mechanisms incorporate mechanical, electrical or chemical timing devices that only function after a specified time period has elapsed. In this case, given the need for precision timing, the use of a remote-control mechanism or direct trigger (possibly a "suicide bomber") mechanism is more likely. However, the Commission considers that the use of a remote-control mechanism is highly improbable in this case for a number of reasons.

24. Firstly, all the electronic parts that were recovered at the crime scene have been subjected to expert analysis and the Commission has found that no parts originated from a remote-control activation mechanism of an IED.

25. Secondly, of the three electronic countermeasure devices in the convoy of Rafik Hariri, two were found to have most probably been operating at the time of the explosion. These devices were designed to disturb the signals from a remote-controlled mechanism intended to detonate an IED. The countermeasure device in the last Mercedes 500, the vehicle closest to the explosion, was completely destroyed. The device in the Mercedes 600 driven by Hariri was severely burned, but an expert examination revealed that it is likely that the device was operating properly when the explosion occurred. Finally, the device in the first Mercedes 500 was largely intact and was operating properly.

26. Thirdly, the 33 pieces of human remains of the unidentified male that were recovered at the crime scene are very small. The physical state and size of these human parts, and the fact that they were all found in the same area west of the crater, indicate that this male was very close to the IED. Also, a small number of the parts show the presence of plastic material that possibly comes from electric wires associated with the device.

27. In view of the above factors, the Commission considers that the most likely scenario for the activation of the IED is that a person directly triggered the IED from within or immediately in front of the Mitsubishi van.

Geographical origin of the bomber

28. The complete tooth and other biological parts belonging to the same male found on the crime scene during the investigations carried out in June 2006 and earlier are being analysed in order to establish, if possible, the geographical origin of the person. It is this individual who the Commission believes most probably detonated the IED.

29. The general methodology is to examine the ratio between isotopes in elements found in different parts of the person's body. The ratios are not constant, but vary depending on the geographical location of the individual and in other ways through physical, chemical and biological processes within the person's body. Different parts of the human body reflect different time windows relative to when body organs or tissues were formed, with which isotopic composition and in which geographical environment. Time windows for analysis range from childhood for dense bones and tooth enamel to as recently as two weeks before the person's demise for the part of hair closest to the skin.

30. A number of samples have been analysed for their isotopic compositions in this project. These include hair, sternum and tooth samples of the unidentified man; samples of reference hair; samples of reference teeth of the approximate age of the man; and samples of soils, street dust and water.

31. The results of the expert report in this first phase of analysis show that the individual did not spend his youth in Lebanon, but was situated there in the last two to three months before his death. The report discusses the type of area in which the individual lived during the last 10 years or so of his life, although at this stage no specific region can as yet be derived from the analysis. The Commission has also received other information concerning geographical origin, which it is unable to disclose at this time. This forensic process will continue into the next reporting period.

32. A second phase of analysis will be undertaken during the next reporting period, with a wider analysis of hair, geochemical and other samples from relevant countries and other areas. As a result, the isotope analysis results may point towards the identification of a specific geographical origin of the man likely to have detonated the device.

Ethnic origin and description of the bomber

33. In a similar context, the Commission is undertaking forensic analysis to try to establish the ethnic origin of the man likely to have detonated the device. This is being done by analysing the alleles in the DNA profile of the 33 human parts and comparing them for similarities or variations in other allele frequency distributions from other States and regions. The findings of comparative frequencies enable a statistical probability analysis of the person's origin.

34. The upper right central incisor found at the crime scene in February 2005 and belonging to the unidentified male shows a distinguishing mark related to the lingual surface shape of the crown, which has the form of a spade. This feature is rarely seen among people from Lebanon. The tooth found on the crime scene during the investigations carried out in June 2006 is a lower right central incisor. Because of the time elapsed since the assassination, no DNA profile could be drawn from this tooth. Nevertheless, the odontological examination shows that this lower right

incisor belongs to a male, and the X-rays indicate that this man had a similar age to the unidentified man. Considering that this tooth was found in the same vicinity as the 33 human parts, the Commission believes that this lower right incisor most likely belongs to the same individual.

35. In addition, the Commission is conducting an anthropological analysis of some of the 33 individual biological remains of the individual in order to develop a partial description of the man that will assist in future investigative steps.

36. The methodologies involved in identifying the geographical and ethnic origin of an individual are complex and time-consuming, as is the reconstruction of the bomber's physiognomy. Also, the specificity of the results may not be guaranteed. The Commission is mindful that results must therefore be interpreted carefully and the limitations clearly understood. The Commission will treat future results as forensic information to be used for lead purposes in the investigation.

Mitsubishi van identification

37. Documentation and technical information received by the Commission from Japan, together with its own sourcing of key manuals and documents, have enabled it to make a preliminary association of some of the vehicle parts found in the crater at the crime scene with those of a Mitsubishi van. An external expert will be brought in to confirm identification of those parts and will assist in other technical aspects of vehicle identification, using an exhibits inventory process to support the work.

Resolution of issues from crime scene investigations

38. The Commission has resolved certain aspects of its crime scene investigations to its satisfaction at present. These include the issue of the alleged missing closed-circuit television footage from the Phoenicia Hotel, which has been identified and is being analysed; establishing the reason for the last-minute arrival of a person in a rented van close to the scene of the crime some seconds before the explosion; investigating the reduction in government security for Hariri once he had ceased to be the Prime Minister; and issues concerning the position of Hariri in his vehicle and the position of his vehicle in the convoy.

Ongoing investigations

39. There are a number of leads that continue to be investigated, such as the allegations of tampering with the crime scene and obstruction of the investigation, and developing the information concerning alleged earlier operational activity against Hariri by the apparent bombing team and other individuals.

40. The Commission is also continuing to investigate the discovery at the crime scene in June 2006 of certain personal effects of a victim of the explosion and matters arising from a victim at the crime scene who had been discovered in a situation protected from the blast but who was killed by falling masonry. In addition, the Commission continues its work relating to seismological analysis, trajectory analysis and three-dimensional reconstruction of the crime scene, and the sounds of the blast phenomenon.

41. Similarly, with regard to the Mitsubishi van, investigations are ongoing concerning the acquisition of the van and its preparation with explosives. The Commission has received new information specifying details of the preparation of

the van and establishment of the route of the van as it was brought to the St. George Hotel area prior to the attack. The Commission has developed working hypotheses based upon the recently acquired information.

42. Further interviews are required of crime scene witnesses and, upon receipt of the final forensic biological report, further DNA research and comparative analysis on profiles acquired from the June 2006 crime scene exploitation will lead to additional investigative work being undertaken.

2. Individuals involved in the commission of the crime

Communications

43. The Commission has conducted seven interviews in connection with the alleged bombing team and their use of six telephones to communicate on the day of the attack and in the days leading up to it. These interviews have provided new leads that are currently being pursued and will lead to more interviews in the next reporting period. Analysis of the use of other associated subscriber identity module (SIM) cards is also ongoing.

44. The location of the telephones when used and the purposes for which some of the linking numbers were used have revealed the high degree of security-aware behaviour exhibited by the individuals under investigation. Some persons used multiple mobile cellular telephones during a short period of time or registered telephones using aliases. While such compartmentalization of telephone usage makes analysis more complex, it helps to provide an understanding of the modus operandi of the perpetrators.

45. During the reporting period, communications traffic analysis has continued in support of the other investigative projects. This work consists of preparation for interviews of key persons and preparing specific reports on communications between selected individuals. For the purpose of preparation of interviews, data relating to the different telephones used by the interviewee during a certain period of interest are gathered and organized into an exploitable electronic format. The analysis then focuses on the personal contacts and communications links of the interviewee, the use of intermediaries and the frequency, timing, type, duration and location of the calls, as well as international call activity.

Ahmed Abu Adass and associated individuals

46. The investigations into Ahmed Abu Adass have continued in this reporting period, focusing on a number of areas, including on the selection of Abu Adass for the role he played, as understood by the Commission at present. The Commission is working to establish how Abu Adass was identified, where and when this occurred, who involved him in the operation and what happened to him afterwards.

47. To further its investigation in this regard, the Commission has deconstructed the known time period from the time of Ahmed Abu Adass' alleged involvement with certain individuals in late 2004 through the period of his disappearance in January 2005 to the time of the video being recovered on 14 February 2005.

48. There are significant information gaps between known events on this timeline and the Commission is working to fill those gaps in order to establish the facts of Ahmed Abu Adass' involvement in the crime. The Commission has conducted

interviews and forensic research, *including DNA and fingerprint analysis, and* computer forensic analysis. It has also examined numerous types of documentation, including notebooks, manuals, diaries, books and individual documents, and it has visited locations in Lebanon and elsewhere. This work will continue into the next reporting period.

49. The Commission has also undertaken investigations with regard to individuals associated with Ahmed Abu Adass in Lebanon and abroad. This aspect of the case has elicited some useful information and the Commission remains fully engaged in pursuing any new leads.

50. In this regard, the Commission has conducted 17 interviews to date in the Syrian Arab Republic and Lebanon and has held a number of meetings with relevant Syrian and Lebanese officials. It has collected substantial quantities of computer and electronic information and documentation and visited a number of locations in the Syrian Arab Republic.

51. In support of this work, the Commission has researched over 200 gigabytes of electronic data, examined hundreds of pages of documents, diaries and notebooks, analysed a number of mobile telephones and the records contained therein and examined large volumes of communications traffic.

52. Over 100 artefacts, some of potentially key relevance, have been sent to a forensic laboratory for fingerprint and DNA research, imagery analysis and for comparative analysis with previously acquired items. The Commission awaits the results of the current forensic analysis to determine the artefacts' relevance or otherwise to the Ahmed Abu Adass aspects of the case.

53. Researching and analysing the huge amounts of data collected to date on this single project absorbs considerable human resources and requires significant storage capacity and electronic-processing capability. To add to the complexity of this painstaking analytical work, some of the electronic data received by the Commission are written in code, some are encrypted and some had already been deleted. It has also been necessary to synthesize data where appropriate with communications traffic on mobile cellular telephones.

54. The process of analysis of communications traffic in preparation for interviews is rigorous and time-consuming. However, it represents an important corroborative tool to confirm or disprove information concerning the interviewee, as well as uncovering new information and providing investigative direction.

Other hypotheses

55. The Commission believes its role is to investigate all possible hypotheses that arise from the investigation and analysis of the Hariri assassination. To this end, it is investigating groups and individuals who are situated in Lebanon and beyond, including the group claiming responsibility for the attack in the Abu Adass video.

56. The Commission is examining allegations of the attack on Rafik Hariri being delivered via aerial means. Further collection work is being undertaken, including forensically and through the acquisition of technical data. This is done to clarify the likelihood of such a means being a viable attack option, prior to further investigative steps being taken. It is anticipated that the Commission will have established this understanding during the next reporting period.

3. Motives to assassinate Rafik Hariri

Rafik Hariri timeline

57. The Commission is expanding its investigations not only into the last days of Rafik Hariri's life, but also into the last 15 months of his life in considerable detail. The Commission has undertaken 17 more interviews during the reporting period, including with individuals in the international political arena. These interviews are lengthy, sensitive and drawn from individuals across the spectrum of persons with whom Hariri met and interacted.

58. The Commission has collected information concerning the increasing threat level and pressure exerted on Rafik Hariri over the last 15 months of his life. It has also established indications that he received assurances from his supporters, political allies and associates that he would not be the focus of attack. It is alleged that even up to his last few days, he remained confident that he would not be the subject of an attack. This area of the Commission's work, which is highly sensitive and ongoing, focuses not just on establishing the contextual aspects of Hariri's life and working environment, but also on evidential leads in the investigation of criminal intent and capability.

Motives

59. The Commission continues to work on numerous alternative hypotheses in examining the motives to kill Rafik Hariri. Included among these are the following: that Hariri was the victim of an extremist group that assassinated him because of his links to other States in the region and in the West; Hariri's position regarding Security Council resolution 1559 (2004); that the extension of the term of the Lebanese President may have been a factor; that Hariri had to be killed before his possible success in the May 2005 elections; Hariri's involvement with the newspaper *An-Nahar*; or that Hariri was likely to expose publicly an alleged grand-scale financial misappropriation of funds from the Bank Al-Madina. Another hypothesis under consideration is that apparently obvious motives were used by the perpetrators as a convenient cover, with the real intent being to propel other individuals into the frontline of accusation.

60. The list outlined above is non-exhaustive and is indicative of the complexities in collecting evidence for each hypothesis, noting that combinations of the above are also feasible. At this stage in the Commission's investigations, a smaller number of motives to assassinate Rafik Hariri emerge as the most plausible. While the Commission will work on all hypotheses until they are no longer viable, during the next reporting period it will focus on collecting further evidence to clarify the more likely motives for his assassination.

B. Technical assistance in the other cases

1. The 14 other cases

61. During the reporting period, the Commission has extended further its technical assistance to the Lebanese authorities in the 14 cases and continues to work closely with the Prosecutor General of Lebanon and the investigative judges in support of each one. To date, the Commission has also translated over 2,500 pages of

documents relevant to the cases and has received electronic data, which are under review.

62. In previous reporting periods, the Commission has provided technical assistance in forensic analysis, communications analysis and the conduct of interviews. In this reporting phase, the Commission has focused in particular upon interviewing witnesses associated in some respect with the victims of the six targeted attacks. It has conducted 14 interviews to date and has a number of interviews scheduled to be completed in the next reporting period.

63. The objective of the Commission in these interviews is to develop knowledge about each attack individually and also to develop linkages between the attacks. The Commission has collected evidence from its interviews to date of a considerable number of links between the six cases, and between these cases and the Rafik Hariri case, from a number of different perspectives. This evidence supports the analytical hypotheses discussed in the Commission's report of 10 June 2006 (S/2006/375).

(a) The nature of the attacks

64. The Commission believes that the six targeted attacks were deliberate attempts to assassinate the intended victims. Each attack was designed to kill the individual and the fact that three of the victims survived was by chance, not by design.

65. The eight other attacks were of an equally serious specific nature, although they differed in their execution. They were probably more indiscriminate in their nature in that a specific individual was not the target per se. However, the possibility that individuals would be killed as a result of the attacks was extremely high. In fact 4 people were killed and approximately 60 persons were wounded.

(b) The motives behind the attacks

66. In the six cases, there are factual links between a number of the victims, aligning them into a group with common objectives and interests. The Commission believes it is possible that the motive to kill at least some of the victims was associated with these common objectives and interests and that the attacks may fit into a broader scheme of intent.

67. In the eight attacks, a possible intent was to kill or wound individuals in order to spread fear among the population, to destabilize the security situation and to cause damage to infrastructure. The fact that no advance notice was given of any of the attacks supports this hypothesis.

(c) The nature of the victims targeted

68. In the six cases, Samir Kassir and May Chidiac were prominent media figures. Gebran Tueni was both a prominent media figure and a parliamentarian. Marwan Hamadeh and Elias El-Murr were then, and remain, government ministers; and George Hawi was the former Secretary-General of the Communist Party of Lebanon. Each victim was publicly known in his or her professional life, and each had a publicly known political orientation.

69. Some of the victims of the targeted attacks were directly or indirectly linked to the political coalition known as the March 14 Movement. Samir Kassir, Gebran Tueni and George Hawi were associated with it in one context or another. George

Hawi and Samir Kassir supported the Democratic Left Movement, one of the political parties that fall under the umbrella of the March 14 Movement. Marwan Hamadeh was involved in the precursor to the March 14 Movement, a group known as the Bristol Group or Gathering, and remains closely associated with the March 14 Movement today.

70. Another link between Marwan Hamadeh, Rafik Hariri, Samir Kassir and Gebran Tueni was their association with *An-Nahar* newspaper. Some of the victims were also connected to each other or to Rafik Hariri through family ties, friendship or other personal associations.

71. In the eight attacks, the victims were not publicly known figures with political views that were broadly known to the Lebanese population. They could be best characterized as members of the general public.

(d) The pattern of the attacks, modus operandi and the perpetrators

72. As discussed in the Commission's report of 10 June 2006 (S/2006/375), the three specifically targeted persons who appeared to have had very limited personal protection arrangements were Samir Kassir, George Hawi and May Chidiac. The modus operandi for these attacks appears similar in that all had IEDs placed underneath their cars.

73. In these cases, the operational capability and capacity to execute such attacks was high, yet the method chosen was simplified to maximize the chances of success with a minimum of complications. Each of the three attacks suggests that prior surveillance was carried out by the perpetrators to establish the level of personal security arrangements for the intended victims, including routines and protective measures, and to identify the relevant vehicle and seat for the placement of the device.

74. In the cases of the other three specifically targeted persons, namely Marwan Hamadeh, Elias El-Murr and Gebran Tueni, all three had some form of personal security arrangements. It is therefore possible that the reason for the different nature of the attacks on these persons, that is, a bomb being placed in a car parked along their respective routes, was to overcome their personal security arrangements. The modus operandi for these attacks appears similar, in that there was a high standard of operational capacity and capability. In particular, the attacks required good intelligence and more complex reconnaissance and surveillance coverage to maximize chances of success.

75. A claim of responsibility was made for both the Kassir and Tueni attacks by a previously unknown organization, the "Fighters for the Unity and Freedom of Bilad El-Cham". The Commission is conducting analysis of this group and has requested information from States to assist it in this matter.

76. In the eight other cases, the comparable modus operandi of each attack could point to a single group of perpetrators, who aimed to conduct a series of sustainable repetitive attacks with a minimum of complications. The operational capability to execute such attacks was high, yet the method chosen was as simple as possible to achieve the aim.

77. The explosive devices in each case were sufficiently small and light to be carried by a single person but large enough to ensure a significant impact. The

devices were detonated either by using a timing device or by remote control. The choice of time and location of the eight attacks could be seen as a deliberate choice by the perpetrators, reflecting a carefully struck balance between the desired impact and the means of escape in each attack.

(e) Further assistance

Forensic analysis

78. The Commission continues to review in detail the forensic evidence available concerning the cases and to evaluate the crime scene management of each case. The comparative seismological analysis of the records of the signals recorded by the National Centre for Geophysics of Lebanon is ongoing, with the Commission expecting results from experts in the next reporting period.

Communications

79. The Commission continues to conduct communications analysis in support of witness interviews and in order to generate new investigative leads. One individual using multiple numbers has been preliminarily linked to a number of attacks and the Commission has conducted a number of interviews related to this issue. The objectives are to ascertain the geographical location and timings of certain persons at the crime scenes where either the victims or associated individuals were present.

2. Pierre Gemayel case

Background

80. On 22 November 2006, the President of the Security Council sent a letter to the Secretary-General inviting the Commission to extend its technical assistance to the Lebanese authorities in this investigation (S/2006/915). The Commission received the letter on 23 November and that same day formal contact was made with the Prosecutor General of Lebanon to begin assisting in the case.

81. The Commission has met with the Prosecutor General and the Military Prosecutor in a series of working meetings to discuss the facts of the case in detail and a number of areas in which the Commission can provide technical assistance. The assistance is broadly grouped into two areas: helping with specific investigative aspects of the case and providing forensic expertise. The Lebanese authorities and the Commission have since continued their excellent relationship in all the working areas, as outlined below.

The assassination

82. On Tuesday, 21 November 2006, Pierre Gemayel, the Minister for Industry, left the Ministry at approximately 3 p.m. He was driving himself, with two armed bodyguards, in a vehicle that had been rented only a few days before. At approximately 3.30 p.m., while driving, he pulled over to the side of the road to wait for a person he was to meet with and at the same time he was making a telephone call.

83. A dark-coloured vehicle, probably a Honda CR-V, pulled up alongside Gemayel's vehicle and an individual from the front passenger's side began to shoot through Gemayel's car door window into the front driver's side. Gemayel's vehicle

moved away and up a slight incline, and was blocked by another vehicle. At some point during these events, the assailants left their vehicle, moved to Gemayel's car, opened the front car doors and from a very close range continued to shoot into the vehicle. The attackers, who shot over 49 rounds using four different types of ammunition, then fled the scene.

Preliminary assessment

84. It is probable that Gemayel was the subject of surveillance as part of a planned assassination operation against him, although it is not yet clear for how long this plan had been conceived. The exact timing and precise choice of location of the attack can be characterized as opportunistic, given that Gemayel unexpectedly halted his vehicle while travelling.

85. It is likely that the plan was to assassinate Pierre Gemayel, not just to mount an attack against him, given that the assassins left their vehicle in order to keep firing at him until they completed their mission. In addition, the fact that the assassins had not made any attempt to disguise themselves or hide their faces may indicate that they had not intended to leave their vehicles to be seen at that precise time.

Technical assistance

86. The Commission is providing investigative support to the Gemayel case by helping to identify the perpetrators and the vehicles that were used in the attack. It is also working to reconstruct the modus operandi of the assassins before, during and after the attack.

87. The Commission's assistance includes an analysis of events in the vicinity of the crime scene and in locations prior to the actual attack, the actions and methodology of the perpetrators themselves, and events immediately after the attack occurred. It also consists of forensic work, including providing portrait artists to help reconstruct the appearance of the perpetrators, and carrying out investigation and analysis of the attacked vehicle for DNA, fingerprints and ballistic and transfer traces. The Commission is also assisting with interviewing eyewitnesses and other individuals, and it is investigating and analysing communications possibly related to the assassination.

88. The Commission has commenced a reconstruction of the crime scene so as to establish from a forensic perspective the modus operandi of the perpetrators. This reconstruction will include trajectory and ballistic analysis to establish which weapons were used, when, in what order and from which locations at the crime scene. The Commission is preparing weapons photo-boards and has acquired recordings of the sounds of different weaponry to assist in the interview process.

89. During seven days of investigations carried out on the crime scene, the Commission recovered 175 exhibits and examined the vehicle of Gemayel. In total, including items collected by the Lebanese authorities, 240 exhibits have been sent to a laboratory for forensic research and analysis. These include a vehicle bumper, some glass, car door handles, some of the victim's clothing and other exhibits. DNA and fingerprint research will be conducted on relevant exhibits.

90. The Commission will continue to provide technical assistance to the Lebanese authorities on this case for the foreseeable future and will allocate additional

resources as required. It anticipates conducting more interviews of crime scene witnesses and other individuals, developing the case through further evidence collection and analysis and continuing to provide ongoing forensic support.

91. The Commission has identified a specific requirement arising from the provision of technical support to the Pierre Gemayel case. It is evident that the Lebanese authorities would benefit from immediate forensic capacity-building initiatives and training. This would be particularly useful for the management of crime scenes, immediate forensic handling and processing of evidence, and the necessary forensic coordination.

92. Such capacity-building is not within the Commission's scope to provide, but it suggests that States may consider the urgent provision of such assistance to the Lebanese national authorities. This would ensure that any future crime scenes are appropriately managed and would help maximize investigative leads for the Lebanese authorities in the immediacy of an incident, should other attacks occur.

III. External cooperation

A. Interaction with the Lebanese authorities

93. Throughout the reporting period, and in particular since it returned to Lebanon, the Commission has maintained close interaction with the Lebanese authorities on all aspects of its work.

94. The Government of Lebanon has extended its generous support throughout the reporting period, in particular by implementing extraordinary security measures to protect the Commission's personnel and property. The Commission is very grateful for this support, especially at a time when the security situation in Lebanon remains volatile.

95. The Commission has made numerous requests to the relevant Lebanese authorities for assistance with its investigative work during the reporting period, including by addressing 22 formal written requests to the Prosecutor General. Members of the Commission have also met regularly with the Minister of Justice and the Prosecutor General, as well as with senior members of his staff, the investigative judges assigned to the cases that the Commission is investigating and the senior representative appointed by the Internal Security Forces.

96. The Commission regularly shares with the appropriate Lebanese authorities the substance of all relevant information that it obtains in a manner that does not compromise the interest of the source of this information, be it an individual, an organization or a State. This includes an analytical report on the credibility of a witness, recently transmitted to the Prosecutor General and the investigative judge assigned to the Hariri case. This process is of particular importance where the information is relevant to individuals who are detained, as it may assist the Lebanese authorities in taking any steps they deem appropriate or necessary in relation to detention.

B. International cooperation

97. Security Council resolutions 1636 (2005) and 1644 (2005), adopted under Chapter VII of the Charter of the United Nations, impose an obligation on States to cooperate with the Commission. The Commission continues to rely heavily on cooperation from States and regularly directs requests for assistance to States on a range of matters relevant to its investigations, including requests for information and documents, logistical help in establishing witness interviews and technical assistance and expertise. The full cooperation of Member States with the Commission is important as the investigation proceeds, especially as regards the timeliness and the quality of the information made available to the Commission by the State authorities.

Cooperation with the Syrian Arab Republic

98. Consistent with the Syrian Arab Republic's obligations under Security Council resolutions 1636 (2005) and 1644 (2005), and the common understanding reached between the Commission and the Syrian Arab Republic earlier in the year, the cooperation of the Republic with the Commission remains timely and efficient.

99. During the reporting period, the Commission submitted 12 formal requests for assistance to the Syrian Arab Republic, seeking information, artefacts, electronic media and documentation about certain individuals and groups, as well as statements taken from persons in the course of investigations conducted by Syrian authorities.

100. The Commission undertook a number of investigative activities and interviews of individuals in the Syrian Arab Republic. This work included conducting six interviews, holding five meetings with relevant Syrian officials and collecting considerable computer and electronic information and documentation. The Syrian Arab Republic provided the Commission with information as requested, notably on specific individuals and groups. It also forwarded to the Commission statements obtained in the course of investigations conducted by Syrian authorities.

101. All the Commission's investigative activities were arranged by the Syrian Arab Republic in accordance with the requests the Commission referred to the authorities over the reporting period, and the Commission is satisfied with the timeliness with which this was done and with the logistical and security arrangements for these activities. The level of assistance provided by the Syrian Arab Republic during the reporting period remains generally satisfactory. The Commission will continue to request the country's full cooperation, which remains crucial to the swift and successful completion of its work.

Cooperation with other States

102. The Commission requires the full and expeditious support of States on technical, legal and judicial matters relevant to the investigation.

103. Although most States have responded positively to the Commission's requests and have actively assisted in its work, including by facilitating witness interviews and providing other support and information, some States have provided late or incomplete responses, or have not responded at all. At the end of the reporting period, responses to 22 requests sent to 10 separate Member States are overdue. The

lack of responsiveness by certain States has serious consequences in terms of delay for the work of the Commission and its investigative progress. In view of the crucial nature of the information that it seeks to obtain from States and the limited time frame in which it aims to complete its investigative activities, the Commission trusts that it will enjoy full and prompt cooperation from all States during the next reporting period.

104. Since 15 September 2006, a total of 10 new formal requests for assistance have been sent to five different States, in addition to the requests for assistance addressed to the Syrian Arab Republic and the Lebanese authorities.

IV. Organizational support

A. Internal procedure

105. The Commission has reviewed the internal procedure that it adopted pursuant to Security Council resolution 1595 (2005) in the light of the draft statute of the special tribunal for Lebanon. It remains aware of the responsibility to ensure that testimonial, forensic or any other evidence that it collects shall be admissible before this jurisdiction and, to this end, to respect all relevant international standards.

B. Administration

1. Recruitment

106. As stated in its last report (S/2006/760), the rapid improvement of the Commission's institutional capacity continued to be one of the key tasks in the reporting period. While timely recruitment of competent personnel is still a significant challenge and delays in the process have had an impact on the Commission's ability to fulfil its mandate, considerable headway has been made in the selection and recruitment of staff during the reporting period.

107. The vacancy rate had increased in the previous reporting period as a result of the disruption of the recruitment process caused by the conflict in Lebanon and the fact that additional posts had been approved in June 2006. However, there has been an overall steady decline in the vacancy rate between August and December: the vacancy rate decreased overall for all international staff, from 29 per cent in August to 19 per cent in December. Most key positions are currently under recruitment. The investigations division currently has 29 international staff and 3 new staff members are under advanced recruitment. Twenty-eight additional candidates for investigations are being reviewed from the significant number of names received from Member States and international agencies and interviews are under way.

108. The Commission is grateful for the positive responses received so far from Member States and international institutions with regard to making qualified candidates available.

2. Budget

109. In August 2006, the Commission submitted a proposed new budget for the next 12-month period, from January to December 2007. The proposed budget makes

provision for 188 international staff, reflecting an increase of 13. The increase comprises five investigations staff for the 14 cases, one additional security officer and seven administrative posts. The additional staff are necessary: (a) to meet the increased demands generated by the additional workload resulting from the technical assistance cases, where extraordinary amounts of data are expected and have already been acquired; (b) to address the increased workload generated by the anticipated growth in staffing levels as recruitment accelerates; and (c) to compensate for the loss of support from other Lebanon-based agencies (the United Nations Interim Force in Lebanon and the Economic and Social Commission for Western Asia), which are unable in the present circumstances to provide the same level of support as in the past.

3. Security

110. With the generous assistance of the United Nations Peacekeeping Force in Cyprus, the United Nations Interim Force in Lebanon and the Cypriot and Lebanese authorities, in particular the Lebanese Armed Forces and Internal Security Forces, the Commission's security operations team coordinated a safe and secure return of the Commission's international staff and essential investigation materials from Cyprus to Beirut, partially by ship and partially by air, over a one-week period, from 9 to 16 October 2006.

111. The security of the Commission's staff, premises and assets continues to be a priority. The post-conflict security situation in Beirut remains fragile. The ongoing political incidents have created further tension and instability. The focus of the investigation, together with a forthcoming transition towards a special tribunal may create an environment that makes the Commission's staff more vulnerable and could threaten its work. The primary focus of the Commission's security operations is therefore to enable the continuation of its mandate by ensuring maximum security for all personnel, facilities and assets.

112. The Commission's security team continues to review and update the threat and risk assessments relating to the Commission in order to ensure that all critical aspects of security are consistent with relevant security standards. As required, standard operating procedures and contingency plans are developed or adjusted based on the current threat and risk analysis.

4. Supplemental memorandum of understanding

113. On 13 October 2006, the Commissioner transmitted an updated draft supplemental memorandum of understanding, aimed at supplementing and modifying the original memorandum signed by the Government of Lebanon and the Commission on 13 June 2005. The draft supplemental agreement is currently being reviewed by the Government of Lebanon.

V. Conclusions

114. The Commission's strategic objective remains to collect evidence against those responsible for the assassination of Rafik Hariri and the other victims of attacks being investigated that will be admissible before a future tribunal. It continues to balance the need for speed in the investigations with the exigencies of applying appropriate legal standards. During the next reporting phase, the Commission will

maintain its current investigative focus as discussed in this report and it plans to undertake approximately 50 interviews, collect further documentation and acquire other forms of evidence.

115. The investigation into the assassination of Rafik Hariri is approaching a sensitive and complicated phase, and the Commission's work can only be undertaken with confidentiality in order to create a secure environment for its witnesses and staff. The Commission and the Prosecutor General of Lebanon remain in full agreement regarding this position.

116. The Commission's work on the 14 cases continues to bring to light significant links between each case and to indicate links to the Rafik Hariri case. Further work will continue with those links being the focal point of its investigative direction. Similarly, the Commission will continue to provide support in the Gemayel case and will concentrate on assisting in the identification of the perpetrators of the crime and on examining whether links to the other cases exist.

117. The Commission will require further support in the coming months in three main areas. Firstly, the Commission will work to ensure that the United Nations management systems in areas such as recruitment, procurement, administration and financial matters are able to support the necessary pace and direction of the Commission's work. Secondly, the Commission notes the varied commitment to the requests for assistance it sends to numerous States. Delays or lack of responses to its requests severely hamper the progress of the Commission's investigations in certain directions. Thirdly, it is of critical importance that the Commission has access to those political actors with whom Rafik Hariri had direct contact in the last months of his life and to individuals involved in the relevant political dynamics in Lebanon, the broader region and internationally. The Commission looks forward to future cooperation with such individuals and, where appropriate, State representatives, in order to ensure the completeness of its investigations.

118. The Commission notes that the overall environment within which it conducts its work may be characterized as highly unpredictable. The security situation, the political environment, the previous conflict, the potential for ongoing violence and issues regarding the future special tribunal may contribute to the reticence of witnesses to engage with the Commission and makes it more difficult for the Commission to recruit and retain staff.

119. Finally, the Commission recognizes its additional obligations and role, given that a special tribunal is likely to be established in the forthcoming although undetermined period. The dynamic of the Commission will alter as necessary to accommodate the establishment of the tribunal and, to that end, the Commission will realign its objectives in part to hand over its fact-finding work to date to the prosecutor's office.